

STATEMENT OF FACTS

Your affiant, Aaron Seigel, is a Task Force Officer assigned to Federal Bureau of Investigation (FBI). In my duties as a task force officer, I investigate matters involving violations of Federal law. Currently, I am tasked with investigating criminal activity in and around the U.S. Capitol grounds on January 6, 2021. As a task force officer, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

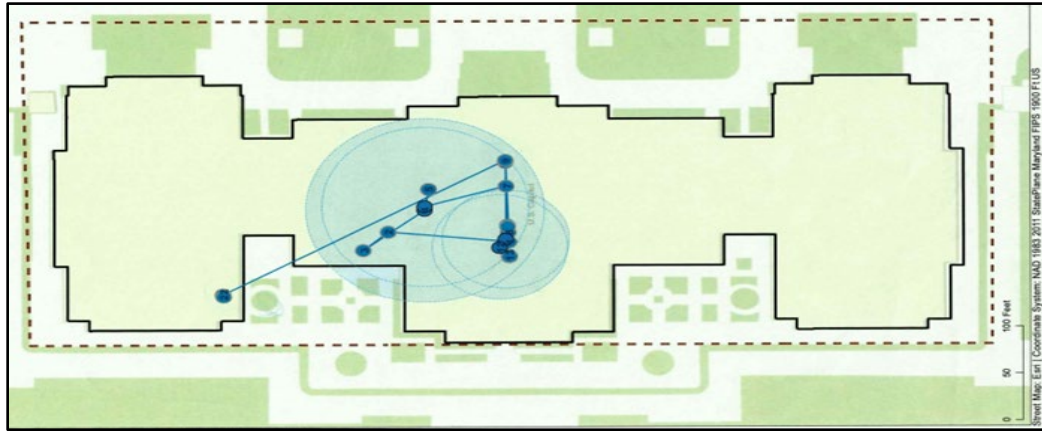
At such time, the certification proceedings were still underway, and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

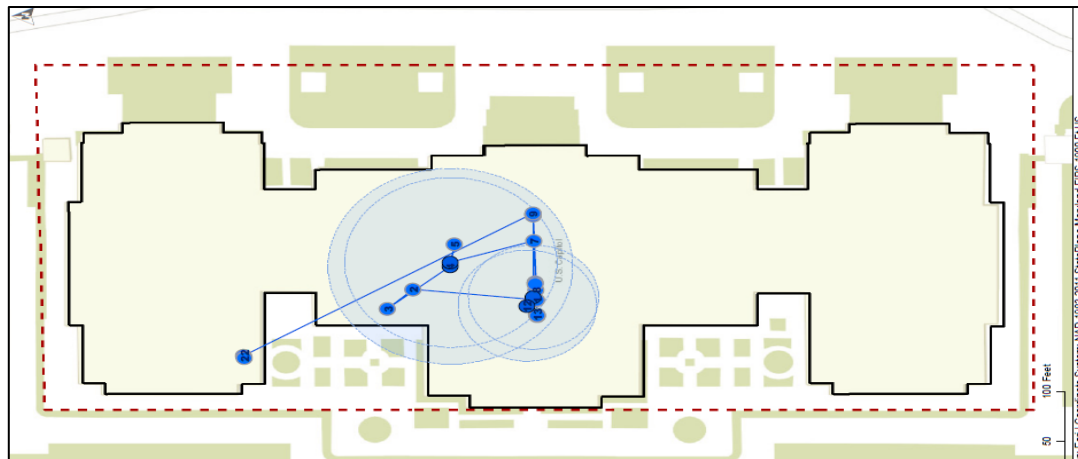
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

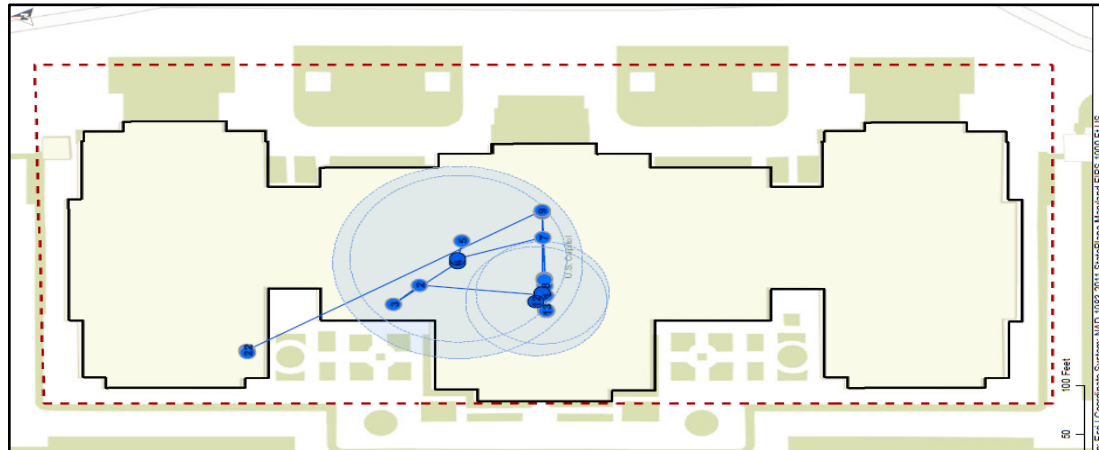
According to records obtained through a search warrant which was served on Google, a mobile device associated with email accounts john.todd3662@gmail, wrestlingtrojan.jt@gmail.com, and wrestlingtrojan@gmail.com was present at the U.S. Capitol on January 6, 2021. Subscriber details associated all of these accounts to “John Todd”. Google estimated the device location using multiple sources including GPS data, information about nearby Wi-Fi access points, and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. Where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device associated with the aforementioned email accounts and that it was within the U.S. Capitol building between 2:45 PM Eastern Standard Time (EST) and 4:24 PM EST on January 6, 2021.



Location data points of device associated with john.todd3662@gmail.com inside the U.S. Capitol on January 6, 2021.



Location data points of device associated with wrestlingtrojan.jt@gmail.com inside the U.S. Capitol on January 6, 2021.



Location data points of device associated with wrestlingtrojan@gmail.com inside the U.S. Capitol on January 6, 2021.

In March 2021, the FBI received a tip from Individual 1, who wished to remain anonymous. Individual 1 reported having an interaction with an unknown male in the Lee's Summit, Missouri area on March 6, 2021. Investigators later confirmed this male was John George Todd III. On May 2, 2021, FBI investigators interviewed Individual 1 who said Todd III admitted to being inside the U.S. Capitol on January 6, 2021. Individual 1 indicated that Todd III produced a cellular telephone and presented a video which appeared to depict him inside the U.S. Capitol building with numerous individuals. Additionally, Individual 1 stated the video showed Todd III smoking, what he claimed to be, a marijuana cigarette inside the U.S. Capitol. Individual 1 recalled asking Todd III how he came to be involved with the events that took place on January 6, 2021. Todd III explained to Individual 1 that a friend contacted him several weeks prior to January 6, 2021 and asked if he wished to "wreak havoc" at the U.S. Capitol. Todd III agreed to participate, and the friend paid for his airline ticket to the Washington, D.C. area, according to Individual 1.

On February 15, 2022, your affiant met with Individual 1, to present a copy of a photograph to them. Your affiant instructed Individual 1 to truthfully report whether the person depicted in the photograph was or was not the person with whom they interacted with at the bar in the Lee's Summit, Missouri area on or about March 6, 2021. Your affiant presented a color copy of the Missouri driver's license photograph belonging to the Subject. Individual 1 confirmed the photograph matched the man they interacted with on the aforementioned date and location. Furthermore, Individual 1 advised they saw the Subject at the same location during the second week of February 2022. Individual 1 expressed a willingness to testify, if necessary.

Your affiant reviewed images and videos captured in and around the U.S. Capitol on January 6, 2021 and compared them to Todd III's Missouri driver's license photograph; they appeared to depict the same person. Your affiant has also compared Todd III's driver's license photograph to a images from Todd III's Instagram account which were obtained via open-source methods. Legal process served upon Instagram confirmed the account belonged to "John Todd" with an associated email of: john.todd3662@gmail.com. The images appeared to depict the same person.

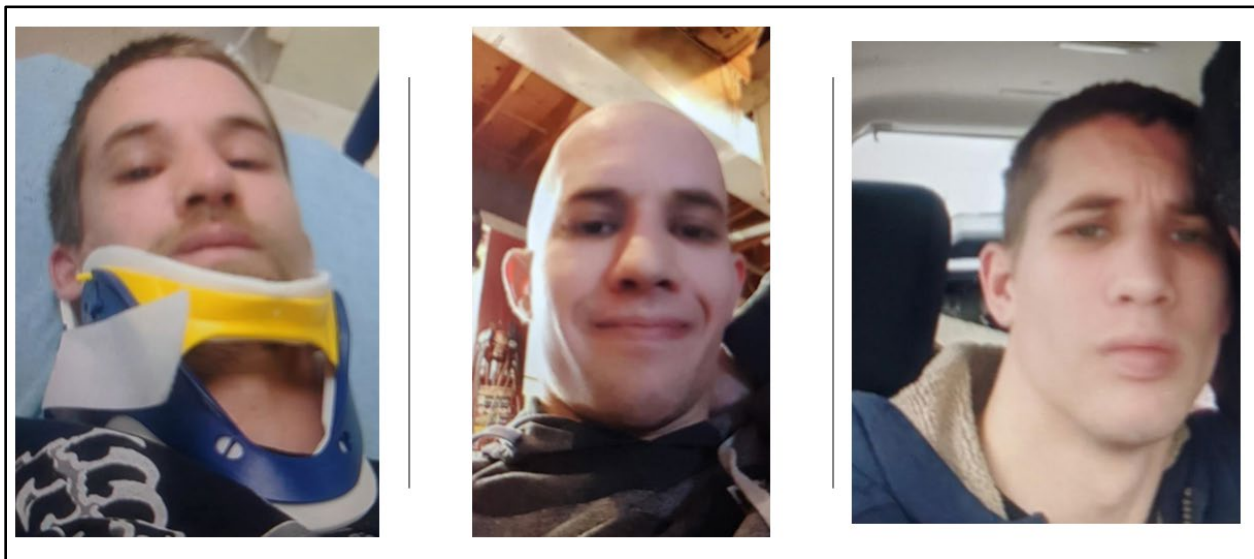
Your affiant located images and videos showing Todd III inside the building and on the grounds of the U.S. Capitol. These observations correlated with the location data points of the mobile device associated with email accounts john.todd3662@gmail, wrestlingtrojan@gmail.com, and wrestlingtrojan.jt@gmail.com as produced by Google. In body

worn camera footage obtained from the Metropolitan Police Department, Todd III was recorded yelling at law enforcement officers. At one point inside the rotunda, while near a law enforcement officer, Todd III yelled, “I swear to God, I’ll hip toss your ass into the fuckin’ crowd, mother fucker!” Your affiant also located video footage of Todd III being handed an unidentified object, placing the object to his lips, and exhaling white smoke while in the U.S. Capitol building rotunda, which corroborates the observations reported by Individual 1. The video and images showed Todd III attired in a red hooded sweatshirt with white lettering on the chest reading “Make America Great Again” and gold cursive lettering on the garment's lower front. Also, Todd III carried a multi-color backpack (green, red, yellow, and black).

While reviewing video, investigators identified Todd III’s general movements through the U.S. Capitol building on January 6, 2021. It should be noted that the foregoing time stamps are formatted in Universal Coordinated Time (UTC). The reviewed video showed Todd III entering the U.S. Capitol building on January 6, 2021 via the Upper West Terrace door at 19:44 (UTC). Todd III entered the Rotunda through the west door at 19:45 (UTC) and then left via the north door. Todd III reappeared in the Rotunda using the north door at about 19:52 (UTC). Video showed Todd III interacting with an unidentified individual in the Rotunda and smoking some type of cigarette at 19:53 (UTC). At about 19:54 (UTC), Todd III exited the Rotunda via the east door and returned at 19:56 (UTC). At about 20:16 (UTC), Todd III exited the Rotunda using the east door and proceeded east, exiting the Capitol building via the east door at 20:18 (UTC).



(Left) Todd III wearing a multi-colored backpack inside the U.S. Capitol rotunda on January 6, 2021; (top right) Todd III appearing to smoke inside the U.S. Capitol rotunda on January 6, 2021; (bottom left) Todd III threatening police in the U.S. Capitol rotunda on January 6, 2021.



Images from John Todd III's Instagram Account



Images of John George Todd III inside and on the grounds of the U.S. Capitol on January 6, 2021.

Based on the foregoing, your affiant submits that there is probable cause to believe that John George Todd III violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be

temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant further submits there is probable cause to believe that John George Todd III violated 40 U.S.C. § 5104(e)(2)(D, E, G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Aaron Seigel
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 3rd day of May 2022.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE